

Title 4. Bureau of Home Furnishings and Thermal Insulation

NOTICE IS HEREBY GIVEN that the Bureau of Home Furnishings and Thermal Insulation (hereafter "Bureau") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at two hearings to be held on:

NORTHERN CALIFORNIA

April 22, 2003

10:00 a.m.

**Edmund G. "Pat" Brown Building
505 Van Ness Avenue
San Francisco, California 94102**

SOUTHERN CALIFORNIA

April 24, 2003

10:00 a.m.

**So. Coast Air Quality Management Dist.
21865 E. Copley Drive
Diamond Bar, California 91765**

If possible, please notify the Bureau's Contact Person listed on this notice of your intention to attend and present oral testimony at the public hearings. This will allow the Bureau to determine if time limits will be necessary for each attendee's comments. All comments will be accepted regardless of whether or not the Bureau has been notified of a presenter's attendance.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received in the Bureau's office no later than 5:00 p.m. on April 24, 2003 or must be received by the Bureau at the hearings. The Bureau, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 19034 and 19161 of the Business and Professions Code and to implement, interpret or make specific Section 19161, of said Code, the Bureau is considering changes to Title 4, Division 3, of the California Code of Regulations as follows:

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

1. Amend Section 1371 - Business and Professions Code Section 19161, as amended by Chapter 199, Stats. 2001 (AB 603- Dutra), authorizes the Bureau to adopt regulations no later than January 1, 2004, requiring fire retardant mattresses, including futons, and mattress/box spring sets sold in California to meet a resistance to an open-flame test. The standard must use a pass or fail performance criteria based on a test method developed by the Bureau. The proposed regulations will establish that standard.
2. Repeal Section 1373.1 – This section is being repealed because it is no longer applicable with the new standard.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 through 17630 Requires Reimbursement: None

Business Impact:

The Bureau has made an initial determination that the proposed regulatory action would not have significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination:

Based upon numerous fact finding meetings and discussion with the mattress industry, supply dealers in the United States and abroad, and with other members of the industry, adverse long term economic impact has not been a major issue. The strategy most likely used to comply with the new standard will be the use of flame-blocking barriers, fire retardant threads, and encasement of the core fillings with fire retardant materials. The Bureau believes there will be adequate availability of flame-blocking barrier materials and other components for use in constructing compliant mattresses.

The cost of these supplies do not constitute a significant cost to the manufacturers, however, some additional raw material cost and labor cost for the additional production step of adding the barrier materials will be incurred. Assurance has been obtained from the major national mattress manufacturers (that constitute 60-70% of the manufacturing volume in the United States), that all mattresses will be constructed to meet the new California standard for sale throughout the United States. Therefore, California mattress manufacturers will not be at a disadvantage complying with the new standard.

Impact on Jobs/New Businesses:

The Bureau of Home Furnishings and Thermal Insulation has determined that this regulatory proposal may:

A. Create the following types of jobs:

1. Suppliers of flame resistant materials including fabrics, fire blocking barriers, fire resistant threads and other fastening components and filling materials;
2. Productions line jobs in the manufacturing plants where the new barriers will be added.

B. Create and/or expand the following types of new businesses:

Suppliers of flame resistant material materials including fabrics, fire-blocking barriers, fire resistant threads, and other fastening components and filling materials.

C. Eliminate the following types of existing businesses in California:

Very small mattress manufacturers in competition with the large national manufacturers could suffer an inability to produce compliant mattresses at competitive costs.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Bureau of Home Furnishings and Thermal Insulation are:

The inclusion of fire resistant components and production labor will result in some wholesale cost increase that will be passed along to the consumer, but the amount is not known. The benefit to consumers protected from bedroom fires and the reduction of death, injuries and loss of property will out-weigh the insignificant cost passed on from the manufacturers.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Bureau of Home Furnishings and Thermal Insulation has determined that the proposed regulations will significantly affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Bureau must determine that no reasonable alternative that it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearings.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Bureau has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the

Bureau of Home Furnishings and Thermal Insulation
3485 Orange Grove Avenue
North Highlands, California 95660.

**AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND
RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the web site, **www.bhfti.ca.gov**.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be direct to:

Name: Susan Lancara, Program Analyst
Address: 3485 Orange Grove Avenue
North Highlands, California 95660
Telephone: (916) 574-0282
Fax (916) 574-2043
E-mail: Susan_Lancara@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to:

Name: John McCormack, Manager
Research and Development
Address: 3485 Orange Grove Avenue
North Highlands, CA 95660
Telephone: (916) 574-2057
Fax Number: (916) 574-2043
E-Mail: John_McCormack@dca.ca.gov

Web Site Address: Materials regarding this proposal can be found at **www.bhfti.ca.gov**.